

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DWAIN PAUL McCOY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-08-1028-M
)	
MR. CAGLE, et al.,)	
)	
Defendants.)	

ORDER

On March 29, 2010, United States Magistrate Judge Gary M. Purcell issued a Supplemental Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, alleging violations of plaintiff's constitutional rights. The Magistrate Judge recommended that Defendants' Motion for Summary Judgment be granted and this cause of action be dismissed due to plaintiff's failure to exhaust administrative remedies. The parties were advised of their right to object to the Supplemental Report and Recommendation by April 19, 2010. There have been no objections filed.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Supplemental Report and Recommendation issued by the Magistrate Judge on March 29, 2010;
- (2) GRANTS Defendants' Motion for Summary Judgment [docket no. 43]; and
- (3) DISMISSES this cause of action for plaintiff's failure to exhaust administrative remedies.

IT IS SO ORDERED this 5th day of May, 2010.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE